

NASDCTEc Board of Directors' Meeting
Conference Call
June 23, 2015
3 p.m. – 4 p.m. ET

Attendees: Rod Duckworth, Bernadette Howard, Rich Katt, Eric Spencer, Kathleen Cullen, Sheila Ruhland, Wayne Kutzer, Mike Raponi, Eric Suhr

Absent: Jo Anne Honeycutt, Lee Burket, Jean Massey, Eleni Papadakis

Staff: Kate Blossveren, Kimberly Green, Karen Hornberger

Guest: Pradeep Kotamraju

Welcome and Overview of Agenda: Duckworth welcomed the NASDCTEc Board and staff NASDCTEc Board of Directors' Meeting. He stated that we will work through the agenda but all votes will take place by ballot. Ballots are due back by close of business on June 25, 2015.

Review and Approval of NASDCTEc Board Minutes: Duckworth presented the minutes from the April 7, 2015, NASDCTEc Spring Board of Directors' Meeting. No corrections were made.

Personnel Policy Revisions: Hornberger stated that annually, the staff requests that the attorney review the personnel policies for compliance with current legal requirements and to ensure protection for both the employees and the organization. The attorney reviewed the personnel policies and recommended a few updates. The first relates to a change in Maryland, which recently adopted a law adding gender identity as a protected category. The second change related to a case coming out of the 4th Circuit Court of Appeals (which includes MD) on a definitive ruling that harassment of employees by third parties is also something that is prohibited and which an employer must respond to. The final recommended change relates to the employee and Board Whistleblower policy. A DC federal court recently held that a Whistleblower Policy creates an implied contract, and the signer may sue for wrongful discharge based on alleged violation of such a policy. The personnel policies, including the whistleblower policy, have been updated to as reflect these three recommendations.

Update on Methods of Administration (MOA): In response to the Spring Board meeting, several steps have been taken to complete the Board-directed MOA-related actions:

- (1) A survey has been distributed to the membership requesting additional information on the impact of MOA programmatically and fiscally
- (2) A Freedom of Information Act (FOIA) request has been submitted to the U.S Department of Education's (USDE) Office of Civil Rights. (a copy of letter were provided to the Board in advance of this meeting)
- (3) Brustein and Manasevit have been hired to draft several legislative language 'solutions' to the MOA challenges faced by states. The recommended course of action is to seek the addition of language to an appropriations bill directing USDE to carry out a regulatory process that was called for in the late 1960s. (a copy of legislative language and related memo were provided to the Board in advance of this meeting)

Kotamraju asked how long USDE has to respond to FOIA requests. Green stated that she was not sure of the answer, would conduct research and share a response back with the Board.

Raponi asked what would be the estimated timeline would be if legislative language were adopted. Green responded that if the language is attached to an appropriations bill, that would go into effect on October 1, 2015.

Past President Appointment: Duckworth shared that Fischer has moved on to the Gates Foundation, which leaves the position of Past President vacant. He stated that we do not have policy or precedent for the departure of a Past President. The Executive Committee met and recommends that the last Past President, Marie Barry, fill in the Past President position for the next fiscal year. Barry agreed to this appointment but was also elected as Region II representative and would like to fill both positions. The Executive Committee had no issues with this request. No questions were asked.

NASDCTEc FY16 Budget Proposal: Green presented the FY 15-16 budget proposal, which has been reviewed, in detail, by the Finance/Audit Committee. The Committee unanimously approved both budgets and agreed to advance them to the Boards for approval. The budgets reflect conservative - but not austere - approaches to conducting the organizations' work and reflect Board decisions related to the transition of the Foundation, shifting of work between the organizations and making some new investments that require reserve withdrawals, namely the CCTC-CCSS alignment and the Future of CTE Summit. The 85/15 split between the organizations has been retained.

Discussion on NASDCTEc/NCTEF Rebranding: Green shared that individual calls were held with all Board members, following an Executive Committee call where staff reviewed the proposed rebranding effort and approach for Board and member engagement. The result of the individual calls is that, in general, there is support to move forward. There were many suggestions, which were further incorporated into the proposed project that will strengthen the engagement of members and ultimate outcome of the effort.

Raponi shared a concern with the lack of attendance on the NASDCTEc Board call and taking a vote. Green shared that part of the reason staff held individual calls with every Board member was because we knew that not everyone would be available for this call. Staff felt that it was important that every Board member had the opportunity to comment and vote on the proposal, given its significance. This is why all votes are taking place by ballot. Duckworth stated that the Board seems ready to move forward with a vote, having been provided sufficient information and opportunity for comment. It is important to remind the Board that they can stop the rebrand initiative at each stage of the process, which coincides with a Board vote. Several Board members shared that they feel that this is a great opportunity that the organization can't miss – the right thing to do at the right time - and they strongly feel that we should move forward. Green noted that this initiative is about leveraging the success of the current organizations and amplifying it. If at any stage, the concerns outweigh the expected outcomes, we must reconsider the next steps.

Raponi shared that when another organization was changing its name, there were some really strong opinions and wanting to keep the history behind the name. Reflecting on this experience, Raponi shared that one Board member of this organization asked the question “if you could name the organization today, would you retain the current name?” The answer was resoundingly no. This helped to shift that Board’s thinking. This may be helpful to consider as NASDCTEc/NCTEF moves forward with its initiative.

Raponi also expressed a concern about taking a list of proposed names to the membership for a vote. Blosveren noted that when the staff shared the proposed member engagement process with the communications firm, they also noted this same concern. The goal will be to share a short list of names for feedback – what does the name mean to you – rather than having members vote on their favorite name from among the proposed list. It is also important to note that the current organizational names will be on the list that is shared with the membership.

Duckworth shared that the proposed process provides a lot of opportunity for the membership to be engaged and part of the process, noting that ultimately at the end of the day to be success we need to a buy in from the membership to move forward.

Meeting adjourned at 3:48 p.m.

Not part of the formal minutes but for your information:

Summary of ballots:

- Approval of the April 7, 2015 NASDCTEc Spring Board of Directors’ Meeting minutes. Ballot vote of 13-0.
- Approval of the personnel policy revisions. Ballot vote of 13-0.
- Approval of the updated Whistleblower Policy. Ballot vote of 13-0.
- Appoint Marie Barry as the FY16 Past President. Ballot vote of 13-0.
- Approval of the FY 15-16 proposed NASDCTEc Budget. Ballot vote of 13-0.
- Approval of the proposed plan to pursue the rebranding of both NASDCTEc and NCTEF. Ballot vote of 13-0.

MOA Update: In response to the query about how long USDE has to respond to a FOIA request, Green research and found on the following information on the USDE website.

2. How long does it take to receive records?

This depends on the requested information and the amount of time necessary to find and review the records. The Department of Education is allotted 20 business days to respond to FOIA

requests. However, the release of records may take longer. If the situation qualifies, the Department of Education will notify the requester of a 10-day extension to process the request.

Green also shared that we received acknowledgment from USDE that our June 10 letter was logged as being received on June 12. We can track their progress of our request by going here: <http://www2.ed.gov/policy/gen/leg/foia/foiatoc.html>. The first item under “more resources” is a link to a pdf that lists the status of open requests. Our tracking code is: 15-01663-F.

At last check, the status is noted as “conducting research” which is defined as “searching all sources within the department likely to contain responsive records.” The status roster shows cases open as far back as 2014, so it’s clear that while the USDE may respond to us within the allotted 20 business days, the “release of records may take longer” clause gives them a lot of wiggle room.